IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

Crl.Rev.Pet.No. 2095 of 2003(C)

CRA.240/2001 of SESSIONS COURT, MANJERI
CC.1201/1998 of JUDL.MAGISTRATE OF FIRST CLASS-II(FOREST OFFENCES), MANJERI

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REVN. PETITIONER: APPELLANT/ACCUSED

PALLIKKARATHODI SUBHASHCHANDRA BOSE,
S/O. KORAPPAN, THIRUVALI AMSOM, VELLIMUTTOM DESOM
(EDAVANNA POLICE STATION LIMIT)

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: COMPLAINANT AND STATE

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1. THE SUB INSPECTOR OF POLICE,
AREACODE, MALAPPURAM DISTRICT.

2. THE STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR, SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 13/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl. R.P.No.2095 of 2003-C

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Dated this the 13th day of November, 2007

O R D E R

The revision petitioner is the accused in C.C.No.1201/1998 in the file of the Judicial Magistrate of the First Class-II (Forest Offences), Manjeri, who stands convicted for the offences under Sections 279, 337 and 338 I.P.C and sentenced to undergo rigorous imprisonment for three months for the offence under Section 279 I.P.C and to undergo rigorous imprisonment for three months for the offence under Section 337 I.P.C and to undergo rigorous imprisonment for one year for the offence under Section 338 I.P.C, on the allegation that on 30/04/1997, at about 10 a.m., the accused drove KLH 9972, a passenger bus, in a rash and negligent manner so as to endanger human life and hit on a culvert causing injuries and grievous hurt to the passengers.

2. The counsel for the revision petitioner has only sought for modification of the sentence. It is pointed out that more than ten years have elapsed since the commencement of the proceedings and that so far he was facing the ordeal of the criminal proceedings and that the income of the revision petitioner is the sole means of livelihood of his family. In the circumstances and considering the long lapse of time, the

sentence imposed for the offence under Section 338 I.P.C is modified to imprisonment till the rising of the court and to pay a compensation of rupees twenty thousand to PW.2 who sustained grievous hurt and in default to undergo simple imprisonment for six months. No separate sentence is awarded for the rest of the offences. The revision petitioner is granted three months time to pay the compensation amount. He shall appear before the Judicial Magistrate of the First Class-II (Forest Offences), Manjeri, on 13/02/2008 to receive the sentence. The criminal revision petition is disposed of as above.

Sd/-

K.R.UDAYABHANU,
Judge

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